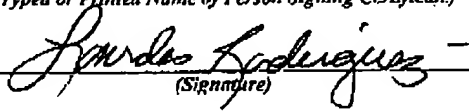


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 2224.005	
Applicant(s): Donna Spero				
Serial No. 09/881,382	Filing Date June 14, 2001	Examiner Tri M. Mai	Group Art Unit 3727	
Invention: Diaper Bag With A Pocketbook			RECEIVED CENTRAL FAX CENTER MAR 04 2004	
OFFICIAL				
I hereby certify that this <u>Request for Reconsideration to the Group Director at Tech Group 3770 (7 pages)</u> (Identify type of correspondence)				
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-305-3579</u>)				
on <u>March 4, 2004</u> (Date)				
<u>Lourdes Rodriguez</u> (Typed or Printed Name of Person Signing Certificate)				
 (Signature)				
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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	Donna Spero
Serial No.:	09/881,382
Art Unit:	3727
Examiner:	Tri M. Mai
Filing Date:	June 14, 2001
For:	<i>Diaper Bag With A Pocketbook</i>
Attorney Docket No.:	2224.005

Patent Application

BY FACSIMILE (703) 305-3579

BOX AF

Commissioner for Patents

Washington, D.C. 20231

REQUEST FOR RECONSIDERATION
TO THE GROUP DIRECTOR AT TECH GROUP 3770

Sir:

The above-captioned case has been assigned to Examiner Tri M. Mai. The individual inventor has limited resources and, yet, we have been "going back and forth" with this Examiner for quite some time now, concerning objections/rejections based on alleged new matter. The inventor has filed a Request for Continuing Examination, multiple Amendments, a Notice of Appeal, etc. I have been practicing in the U.S. Patent and Trademark Office for over 25 years and I have never been met with this rejection nor with an Examiner who is so obstinate and apparently wrong.

More specifically, the Examiner has objected to certain changes which were made to the drawings in converting them from informal drawings to formal drawings. He continues to assert that the formal drawings contain "new matter." One of the most basic fundamentals of patent law that I was taught by Professor Irving Kayton where I studied at George Washington University's

National Law Center was that "new matter" was only that which is necessary to support the claims. A corollary to that is, of course, that not everything submitted and included and/or added into an application (whether into the detailed description or the drawings) constitutes "new matter." Here, the Examiner has raised objections to the formal drawings even though the features to which he objects are not part of the claimed language and are truly quite superficial to the invention. For your review, I enclose a copy of the formal drawings and the informal drawings. The Examiner in his Office Action indicates that the formal drawings improperly attempt to introduce new matter into the application because:

- (a) the original disclosure (the informal drawings) shows that portion 36 (a simple velcro closure for a pocket) is larger size then in the submitted formal drawings.
- (b) portions 36 and 38 in the now-submitted formal drawings are attached to the panel 30 and, yet, according to the Examiner, this is not in the original informal drawings;
- (c) portions 49 and 14 (the velcro strips on the side of the panels on the inside of the bag, see Figure 2) according to the Examiner, extend [only for a distance] in the formal drawings and, yet, in the informal drawings they extend along the entire length of the panels;
- (d) in the informal drawings, there is a single hinge line 41 and, yet, in the formal drawings, the fold for the pocketbook shows a multiple of "hinge lines;"
- (e) the handles 16 are attached to the outside of the bag in the original drawings and, yet, the formal drawings show the handles attached to the inside of the bag;
- (f) "the attachment below portion 45 and 43" (I do not understand this objection by the Examiner and it seems incomprehensible); and
- (g) the use of a seam at portion 45 and 43 is in the formal drawings but not in the informal drawings.

It cannot be over emphasized that not one of these differences or aspects of the invention are embodied in any of the claims. One of ordinary skill in the art, indeed anyone (with the exception of this Examiner) would easily recognize that it is the same invention disclosed in the informal

drawings, as defined and described in the original detailed description, as is now set forth in the more elegant formal drawings. Since not one feature of the formal drawings which is objected-to by the Examiner is embodied in any of the language of the claims, it is entirely unclear as to why this Examiner is so insistent on the new matter objection. I respectfully request your careful reconsideration of this new matter rejection and request that the Examiner withdraw the same.


As mentioned above, I have been going "back and forth" with the Examiner on this new matter objection and, indeed, have been forced to file multiple Amendments/Responses and a continuation application. This has been a tremendous financial burden on this individual inventor who is truly, in my opinion, entitled to a U.S. Patent. What was lost, however, in the morass of alleged "new matter" rejections is the merits of the invention, which is defined in the claims and which the Examiner refuses to consider on the merits. Even more troublesome, however, is my recent phone call to the Examiner wherein I made a further suggestion to amend the claims. The Examiner refused to currently consider that. I have no problem filing a continuation application if I am confident that the new matter rejection will be withdrawn and not stand in the way of a consideration of the invention on its merits. I already asked for a discussion of the new matter rejection with the Examiner's supervisor. I was refused the opportunity but told, "I have spoken to my supervisor and he backs me up on the rejection."

I am available for any telephone conference with you and/or the Examiner. I respectfully request careful reconsideration.

Dated: March 4, 2004

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19th Floor
New York, New York 100
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Respectfully submitted,



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Attorney for Applicant